

Fair and cooler today. Monday, fair; fresh westerly winds.

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NEW "NAVAL SCARE" SEIZES ON ENGLAND

Britain Sees Merchant Marine, Commerce and All Vanishing.

PERIODIC RECURRENCE OF ALARM

Combine's Reassurances of Little Effect in Quietening Distrust.

THE LEGAL ASPECT DEFINED

"Morgan on the Brain" Becoming a Chronic Trouble in Financial Circles—Nothing Possible Under Present Laws to Prevent the Merger.

(Special Cablegram—Copyrighted.)

LONDON, April 26.—It is no exaggeration to say that the average Englishman regards the North Atlantic shipping merger as a national calamity, and he sees in it the loss of his merchant marine, his commerce, and everything else. It is merely, however, a phase of the periodic "naval scares."

The merger is likely to receive more attention in parliament this week, but it is not possible, under the existing laws, to prevent its consummation. The legal aspects of the case present no ground for relief.

tered as a British ship, although some of the shareholders in the company were foreigners. The members of the company, said the court, were in no legal sense owners of the ship. The British corporation was the owner and they could not take notice of an individual member not being qualified to own the ship or any part of it.

"Morgan on the Brain."

It is fast getting to be the case of "Morgan on the brain," in financial and commercial circles in England. The newspapers throughout the country are finding his hand in every trumpety little deed and in scores of combinations which exist only in imagination.

Meanwhile Mr. Morgan is himself totally quiet, drinking the waters at Aix-les-Bains.

A Needless Alarm.

At such times John Bull flinches himself into alarm, verging on despair over the supposed defects in his chief reliance for defense and the dangers to his proudest possessions—his mercantile marine. He is gripped and incensed over the present situation because he conceives that the attack has come from those whom he has counted as his friends. In a few days he will probably begin to realize that there is something absurd and ludicrous in his present attitude.

It is simply silly in a country so intensely commercial as England to raise a popular clamor that the government should interfere between the purchaser anxious to buy and the seller willing to sell. Yet such is the object of the agitation now proceeding all over this country.

When England Bought.

Twelve years ago British capital bought up American industries in a far greater aggregate than the present proposed purchase of British ships, but there was no word of protest. Moreover, opposition on the ground of public policy would have been ridiculed most loudly in England.

"Yes," the Englishman retorts, "it was not ships then. You can buy anything we have got but ships. We must keep the carrying trade or our supremacy on the seas is useless, and the foundation of our national prosperity is gone."

Such is the burden of public and private comment throughout the country. There are very few who dare to point out that Great Britain has no special claim on the carrying trade, or any other business open to the world's competition, and cannot hope to maintain her position unless she can prove as strong and as clever as all her competitors.

Reverent at Truth.

It is this bitter but simple truth that Morgan has forced on the British people, and it is not surprising, perhaps, if at first it is received with unreasonable resentment. As for the immediate fears of the Britishers, the organizers of the shipping merger on both sides of the Atlantic assure the public here that their misgivings are baseless.

They say there is no intention to haul down the British flag on any ships over which it now flies, and that its effect on the auxiliary naval resources of the British admiralty will be nil. This has slightly reassured the English public, but the fact remains that popular apprehension is greater over the shipping situation than any subject save one or two war scares in recent years. Much public comment has been called to America from day to day. It has ranged from the Times' almost unqualified approval of the present position, in which that paper stands almost alone, to the vicious description in this week's "Saturday Review" of "The Shipping Gang and Yankee Grab."

"Saturday Review" Despairs.

The "Saturday Review" is wholly despairing, and bemoans the state of things in which there is no guarantee that England will be left even a flag to cover her shame.

The entire question of the North Atlantic shipping situation will undoubtedly be prominent again in Parliament next week. But it is quite clear that nothing can be done under existing laws of England to prevent the consummation of the deal. It is quite true, in spite of the quasi-denials in the House of Commons, that all the facts of the merger have been laid before the government without reserve; and there is no reason to expect the introduction of any special legislation.

The Legal Aspects.

The "Law Journal" defines in these words the legal aspect of the subject: "There does not seem to be any insuperable legal difficulty in the way of an arrangement under which ships flying the British flag might be placed under control of foreign capitalists. It is true that section 1 of the merchant shipping act declares that a British ship must be owned wholly by British subjects or by corporations established under British law and having their place of business within British dominions. The company acts, however, have made it easy to evade the spirit of this provision."

"It was decided in the case of Regina v. Arnold that a ship owned by a company incorporated in England could be regis-

ALARM FELT IN GERMANY.

American Designs on German Commerce Viewed as Menacing.

BERLIN, April 26.—The "Lokal-Anzeiger" in an article on the Atlantic shipping merger expresses the universal alarm in Germany over what it calls the encroachments of American enterprise. It also says that an American syndicate is endeavoring to obtain control of the German potash and chemical industry.

It says that a Mr. Morgan, not J. Pierpont Morgan, however, has paid Commercial Counselor Ribbert, of Hanover, a half million marks in connection with the enterprise, and adds that American designs on German commerce are undoubtedly serious.

COULD NOT ENTER COMBINE.

Impossible for Campaign Transatlantic to Join Ship Trust.

PARIS, April 26.—The "Republique Francaise" denies that the French Transatlantic Company has joined the Morgan steamship combine. It points out that it would be impossible for this company to go into the agreement, owing to its duties to the French government, for which it receives a subvention.

The "Temps" prints an interview with the manager of the Transatlantic Company on the same subject. The manager denied that there had been any communications between Mr. Morgan and the company. He expressed the opinion that the combination would simply result in an increase of the rates of transatlantic fares. When that happened the French line would follow suit.

THOUSANDS ARE RUINED.

Firms and Individuals Involved in Kreditgesellschaft Failure.

BERLIN, April 26.—Thousands of families in South Germany are reported to have been ruined by the defalcations of the Balaer Kreditgesellschaft. The manager, Grob, and the cashier, Hoedinger, were arraigned today before the magistrate and bail refused. Many business firms are affected.

MAY RECALL BRITISH NAVAL ATTACHE

Probable Solution of His Overzealousness in Collecting Information.

NO FORMAL COMPLAINT MADE

Charges Against Captain Bayly Filed in the Navy Department—The War Games at Newport—Other Instances of Overactivity.

Capt. Lewis Bayly, of the British navy, the naval attaché of the British embassy here, will probably be recalled by his government without prejudice to his character or standing, as the easiest way to dispose of the notoriety into which he has become drawn by reason of complaints of overzealousness on his part in collecting military information in the United States.

It was said yesterday that while this outcome may be expected, Captain Bayly's recall will not be the result of any intimation or expressed wish of the United States government.

The statements made in the House of Commons Friday by Viscount Cranborne that he had complained against Captain Bayly had been made to Lord Pauncefoot, the British ambassador here, and that Lord Pauncefoot had been informed that the allegations against the naval attaché were groundless, though technically correct, but did not fully cover the case.

War Games at Newport.

The original offense alleged against Captain Bayly grew out of his curiosity in connection with the war games of the North Atlantic squadron at Newport last summer.

Captain Bayly, it is understood, applied to the Navy Department for permission to witness the exercises. The request was politely refused, it being deemed inadvisable to have any foreign government acquainted with the manner in which the exercises were conducted.

Captain Bayly then accepted an invitation to be the guest of a yacht which kept close to the ships at Newport during the war games, and was able to observe every move of the American ships.

A complaint against Captain Bayly was made to the Naval Bureau of Navigation, whose chief, Rear Admiral A. S. Crowninshield, laid it before the Secretary of the Navy, who, in turn, transmitted it to the State Department together with the allegation that Captain Bayly had violated a department rule in going to a subordinate officer of the naval administration for certain information.

The rule in question required foreign naval attachés to apply to the Secretary of the Navy for any information they desired about American naval affairs. Captain Bayly, it was charged, attempted to get some important data direct from Rear Admiral G. W. Melville, Chief of the Bureau of Steam Engineering.

More recently a report was brought to Washington from Tampa that Captain Bayly had taken soundings and made observations of fortifications at that place. It was said that a tugboat captain in the employ of the Plant Line would make affidavit to Captain Bayly's activity in this particular, but so far as can be ascertained the accusation was never supported by any documentary evidence.

No Formal Complaint Made.

Officials of the State Department and Navy Department are not disposed to discuss Captain Bayly's case. From what can be learned, however, the complaints forwarded by the Secretary of the Navy to the Secretary of State were never formally brought to the attention of the British government.

It is understood, however, that Lord Pauncefoot made informal inquiries of the State Department on the basis of newspaper publications, and found that there was no disposition to bring the matter to an issue. That Captain Bayly was a little too active in securing information about American naval affairs for the British admiralty is generally admitted, but as foreign military and naval attaches are sent here for the purpose of obtaining

MINERS AND OWNERS REACH NO AGREEMENT

Both Sides Meet, Without Arriving at a Settlement.

NEW COMMITTEE APPOINTED

Four Mine Workers and Three Operators to Assemble to Discuss Difficulties—Truce in Anthracite Fields Extended—Recognition of Union Not Mentioned.

NEW YORK, April 26.—Not a single disputed point was settled at today's conference between the representatives of the coal operators and the anthracite miners before the conciliation committee of the National Civic Federation, but negotiations are going on, and a subcommittee will take hold of the problem.

The representatives present for the miners were President John Mitchell, Chairman Fahy, and District Presidents Nichols and Duffy. In addition, there was a delegation of over twenty members of the United Mine Workers' Union.

Railways Represented.

In behalf of the coal carrying companies there was present W. H. Lanesdale, president of the Lackawanna; G. F. Baer, president of the Reading; E. B. Thomas, chairman of the board of directors of the Erie, and Robert M. Oglethorpe, president of the Delaware and Hudson. John Markle attended as the representative of the independent operators.

On behalf of the Civic Federation, there were present Senator Hanna, R. N. Easley, Bishop Potter, Cornelius N. Bliss, Oscar S. Straus, Lewis Nixon, Marcus M. Marks, Charles A. Moore, William H. Pfahler, Samuel Gompers, and James Duncanson.

Senator Hanna, as chairman of the Civic Federation committee, made a brief opening address in which he advised both sides to be tolerant.

Both Sides Deadlocked.

Mr. Baer and Mr. Truesdale did most of the talking for the operators, and Mr. Mitchell and Mr. Nichols spoke for the miners. All the demands of the miners were discussed, but a deadlock was reached in each case. Some of the delegates left the meeting early, looking disgruntled.

Ralph N. Easley, secretary of the Civic Federation, said to a reporter at noon:

"All I can say is that the conference has been very friendly so far. I cannot predict whether or not it will result in settlement."

The conference adjourned in the afternoon. Oscar S. Straus said that the conciliation committee could not get the opposing sides to agree on a subject, he said, "cannot take part in the discussion proper, as the partners in the dispute are the only people who can really end it. If the discussion accomplished anything else, it clarified some of the points."

Mr. Hanna Explains.

Senator Hanna, as in his first conference, acted as a press committee. "By the advice of the Civic Federation," he said, "a small committee has been appointed from each side for the purpose of further considering the disputed points, none of which has been agreed upon. The committee, which consists of seven men, will meet at noon on Tuesday at the office of the General Railroad of New Jersey in Liberty Street, where it will hold a conference over the disputed points and report later to a committee, which will be called."

Senator Hanna said that the question of recognition of the union had not come up. President Mitchell and his committee will remain here for a few days.

Extension of Truce.

This evening telegrams were sent by President Mitchell to the anthracite districts notifying them of the result of the conference. It is understood that the time of thirty days suspending a provisional suspension of work three days a week, which expired today, will be extended until the end of the negotiations.

MISS LOFTUS CORES

BIG HIT IN LONDON

Her First Appearance on Lyceum Stage a Success.

Enthusiastic Welcome to Sir Henry Irving, Who Opens Season With "Faust."

LONDON, April 26.—Sir Henry Irving's welcome when he appeared at the Lyceum tonight was such as has only been seen on similar occasions at this house. It was the first time that Sir Henry had ever opened a season without Miss Terry.

"Faust" was the play tonight, and the part of Marguerite, which Miss Terry would ordinarily take, was filled by Cecilia Loftus. It was the latter's first appearance on the Lyceum stage, and she received a hearty greeting. Sir Henry, in behalf of Miss Loftus and himself, made an acknowledgment of the efficient assistance of Miss Terry in preparing Miss Loftus for the part. He also announced that Miss Terry would appear during other revivals in the course of the season.

Production More Artistic.

Sir Henry Irving has somewhat modified his interpretation of "Faust" since the last time he produced it in London, and tonight it was, if anything, more than ever effective and artistic.

Miss Loftus' success as Marguerite was unequivocal. The enthusiasm with which she was welcomed on her first appearance was repeated in even greater measure on the fall of the curtain, the demonstration calling out a graceful acknowledgment from Sir Henry.

Another event of genuine interest was the presentation of "Faust" last night by the Haymarket company.

Cyril Maude as Eckes. His success was most noteworthy, and raised the standard piece of John Hare in this part.

ESTIMATES OF COMMISSIONERS CUT TWO AND A HALF MILLIONS

Allotment of Appropriations for District Expenditures.

Salaries.....	\$231,716	General emergency fund.....	8,000
Contingent and miscellaneous.....	64,330	Courts and prisons.....	105,860
System of highways.....	2,500	Charities and correction.....	611,974
Improvements and repairs.....	675,500	Militia.....	59,145
Sewers.....	560,000	Extension of high service water system.....	200,000
Streets.....	346,150		
Electrical department.....	366,270		
Washington Aqueduct.....	33,000		
Filtration plant.....	600,000		
Increasing water supply.....	2,500		
Rock Creek Park.....	742,151		
Public schools.....	1,451,201		
Metropolitan police.....	329,039		
Fire department.....	80,820		
Health department.....	29,040		
Courts.....	1,213,947		
Interest sinking fund.....			

Appropriation Bill Reported to the House Carries \$7,743,888.97.

FILTRATION PLANT PROVIDED FOR

Ninety Per Cent of Appropriation Available Until Personal Tax Law Is Passed.

ADEQUACY OF THE REVENUES

Commissioners to Be Required to Report in Detail to Congress Each Year Expenditures for Contingent Expenses—The Amounts Recommended.

Representative McCleary, the chairman of the subcommittee on appropriations, yesterday reported to the House the District appropriation bill.

The report on the bill, which has occupied the time of the committee for several weeks, is very comprehensive, and says:

Estimates of Commissioners.

"The estimates of the Commissioners of the District of Columbia, upon which the bill is based, and, exclusive of the Water Department, aggregate \$10,441,481.97, one-half of which amount, exclusive of expenses under the highway act, or such sum as Congress may appropriate, is required to be drawn from the revenues of the General Government and the remaining one-half to be levied upon the taxable property and privileges in the District of Columbia."

"The total amount recommended to be appropriated for the general expenses of the District of Columbia for the fiscal year 1903 in the bill submitted herewith is, exclusive of the water department, \$7,743,888.97, of which sum the General Government is required to pay \$3,570,694.48, that being one-half of the whole, exclusive of the amount (\$2,500) recommended for expenses under the highway act. The first named sum is \$2,673.533 less than the estimates submitted by the Commissioners."

"The amount appropriated for the general expenses of the District of Columbia for the current fiscal year (1902) is \$3,370,381.94, or \$255,697.57 more than is recommended in the accompanying bill for 1902."

"The amount recommended for the Water Department, all of which is payable from the water revenues, is \$123,156, being a reduction of \$5,222 under the appropriations for the water department for the current fiscal year."

The Water Revenues.

"It is estimated that the water revenues available for the fiscal year 1903 will amount to \$394,000, but it is provided in the accompanying bill, as it was in the acts for the current and ten preceding fiscal years, that any surplus of these revenues over the appropriations made specifically therefor shall be applied to the work of extending the high-service system of water distribution. Under these indefinite appropriations of the surplus water revenues there has been expended to December 31, 1901, for extending the high-service system of water distribution, the sum of \$1,123,690.58."

"The total general revenues of the District of Columbia for the fiscal year 1902 is estimated by the Secretary of the Treasury, not to exceed \$3,750,000. The Commissioners of the District have submitted to Congress no estimate indicating what, in their judgment, such revenues will amount to, but apparently acquiesce in the estimate made by the Secretary of the Treasury."

"The appropriations recommended in the accompanying bill and payable from the revenues of the District amount to \$3,873,744.48. In addition to this sum appropriations have already been passed by the House in the legislative, executive, and judicial and sundry civil acts chargeable to the revenues of the District aggregating \$164,543."

Advances to the District.

"Under the act of February 11, 1901, to authorize advances from the Treasury of the United States for the support of the government of the District of Columbia, it is estimated by the Secretary of the Treasury that advances will have been made by June 30, 1902, amounting to not less than \$1,000,000, one-fourth of which sum with 2 per cent interest thereon, or not less than \$250,000, is required by said act shall be reimbursed the United States Treasury out of the revenues of the District annually, beginning July 1, 1902. It will thus be seen that obligations fixed by law, provided by bills already passed by the House, and proposed by the accompanying bill entail drafts on the District revenues aggregating \$4,218,287.48, or \$548,237.48 in excess of the total of such estimated revenues for the fiscal year 1902."

"A revision of the assessment of real property in the District is now in progress, and while it is claimed a considerable increase in revenues will be realized thereunder, the actual results cannot be definitely known until after the probable adjournment of the present session of Congress."

The committee on appropriations, appraising the great disparity between the revenues of the District under existing laws, and the requirements of the Government as estimated and recommended by the Commissioners of the District, and having no authority under the rules of the House to recommend legislation increasing taxes in the District, or authorizing further advances from the treasury, as advised the Commissioners.

No legislation has thus far been enacted to accomplish either of these objects under the recommendation of the committee of the House having jurisdiction under the rules.

And while the bill has been prepared by the committee with great care and providing according to their best judgment for the

(Continued on Fifth Page.)

SENATOR S. B. ELKINS DEFENDS WAR RECORD

MAGAZINE EXPLODES KILLING FIVE PERSONS

Fire in Shenandoah Powder Works Attended by Fatal Results—Victims Blown to Atoms.

TAMAQUA, Pa., April 26.—Five men were killed and several injured by the blowing up of a powder magazine at the mills of the Shenandoah Powder Company at Krebs station this afternoon. The dead are:

IRVING WOLF.

JOHN RUTHER.

AMOS YARNELL.

ELMER STAUFFER.

ALEXANDER LINDENSMITH.

The explosion was caused by a fire of the kind which originated in the charcoal house. The bodies of Yarnell, Stauffer, and Linden-smith were found horribly mangled. Ruppert's body was blown to pieces, while Wolf was buried beneath the ruins of the building.

The loss is estimated at \$40,000.

NO SYMPATHY WITH MOVE.

Yale University Not Anxious to Recover Taxes on Bequests.

(Special to The Washington Times.)

NEW HAVEN, Conn., April 26.—Yale University will not take any part in the movement having for its object putting a bill through Congress to refund to universities and charitable institutions the money collected in taxes on bequests during the Spanish war.

At Yale the opinion prevails that the prime movers in the agitation are claim agents. Only a refund of \$2,500, as stated in a dispatch from Washington.

MILITARY ORDERS TO JUSTIFY GEN. SMITH

Rules Adopted During Civil War by Army Board.

Provisions Justify the Killing of the Enemy Under Certain Conditions—"To Save Country Paramount."

Dispatches from Manila state that Brigadier General Smith, who is now on trial for issuing orders of an inhuman character in the Samar campaign, bases his defense upon military order No. 100, claiming that under it he was justified in authorizing Major Waller to kill all male natives over ten years of age, and to make the country a howling wilderness.

The order referred to, was issued by a board of army officers, was issued by the War Department, April 24, 1898, and is entitled: "Instructions for the government of armies of the United States in the field." This order is still in effect. It contains about 10,000 words, divided into 157 paragraphs. The sections upon which General Smith probably depends for justification are as follows:

"To save the country is paramount to all other considerations."

Military Necessity.

"Military necessity admits of all direct destruction of life or limb of armed enemies and of other persons whose destruction is incidentally unavoidable in the armed contest of war."

"The law of war can no more wholly dispense with retaliation than can the law of nations, of which it is a branch. Civilized nations acknowledge retaliation as the sternest feature of war. A reckless enemy often gives his opponent no other means of securing himself against the repetition of barbarous outrage."

"The more vigorously wars are pursued, the better it is for humanity. Sharp wars are brief."

No Quarter.

"A commander is permitted to direct his troops to give no quarter in great straits, when his own salvation makes it impossible to cumber himself with prisoners."

"All troops of the enemy known or discovered to give no quarter in general, or to any portion of the army, receive none."

"Quarter having been given to an enemy by American troops, under a misapprehension of his true character, he may, nevertheless, be ordered to suffer death if, within three days of the battle, it is discovered that he belongs to a corps which gives no quarter."

"All armies in the field stand in need of guides, and, if they cannot obtain them otherwise, Guides, when it is clearly proved that they have misled intentionally, may be put to death."

War Department Transcripts Refute Statements of Dr. Leeds.

SERVED IN THE UNION ARMY

Life Saved by Outlaw Cal Younger—Returned Compliment Later—Reno Post to Expel Dr. Leeds if Senator Elkins Is Vindicated.

Senator Elkins has received from the War Department a transcript of his record in the civil war, which was attacked by Dr. Leeds, a member of Reno Post, G. A. R., of West Virginia.

Dr. Leeds claimed Senator Elkins should be expelled from the G. A. R. on the ground that his service was not in the Union but the Confederate army, and referred to his efforts which resulted in the pardon of the Younger brothers.

Reno Post has ordered an investigation of the charges with the promise that Leeds was to be expelled if he did not prove them, and Elkins was to be recommended against if the allegations were sustained.

The Record of Service.

The records show that Senator Elkins was enrolled in the Seventy-seventh Missouri militia as captain, at Kansas City, December 2, 1862, and served with that regiment until May 11, 1863, when it was mustered into the volunteer service. He continued service with the regiment until July 3, 1863. The records also show that the regiment performed excellent service in defending Missouri towns from Quantrill's guerrillas.

As to his intervention in behalf of the Younger brothers, Senator Elkins says it was in payment of the most sacred kind of a debt. When he was captured by Quantrill's men and ordered shot, Cal Younger had made a plea for him, which resulted in the revocation of the order.

Secured Their Pardon.

Years afterward when the Younger brothers had served a portion of their terms of imprisonment for train robbery in Minnesota, Senator Elkins had been instrumental in securing their pardon.

The telegram published in The Times yesterday morning to the effect that Reno Post had adopted resolutions calling for an examination of Senator Elkins' record so that either Leeds or Elkins might be indicted, was seen by Mr. Elkins yesterday morning. He immediately communicated with the Auditor of the War Department, and General Almonworth of the Records and Pension Bureau of the department, for the purpose of discovering what official records there might be of his military service.

He found abundance of evidence to establish his record beyond all question as an officer in the militia and the regular service, and will send these records to West Virginia immediately.

West Virginia Politics.

Senator Elkins said yesterday regarding the matter:

"I have never dignified these charges against my war record with any notice heretofore, but I see no reason why they should go unchallenged any longer. They are and have always been a part of the political capital of the Democrats in portions of West Virginia, and are now being brought up again for the campaign this fall."

"It was asserted several years ago that I was a deserter from the army. Later that I never belonged to the army, and at another time that I was a member of the Quantrill guerrillas. All of these statements it will be very easy to disprove in a very short time, and I propose to do it. The truth of the matter is, I was captured at one time by Quantrill during one of the engagements of my company with him. I would have been shot, and curiously enough, Cal Younger, of the famous Younger brothers, was the man who saved my life. He persuaded Quantrill to give me my liberty. Once after that I was able to perform the same service for Younger by obtaining a pardon for him."

Reno Post Democratic.

It is understood that Reno Post has only a small membership, a majority of whom are Democrats.

A friend of Senator Elkins said yesterday that the West Virginia Democrats two years ago paid for 100,000 copies of a statement made by Dr. Leeds, who is also a Democrat, and that they were distributed throughout the State.

This gentleman said in addition that Dr. Leeds several years ago had a candidate for medical examiner of the Pension Office whom Senator Elkins refused to endorse on account of a statement that he had a shady reputation. This is said to be one of the causes of Dr. Leeds' animosity toward Elkins.

Another trouble between them, it is said, is that Mr. Elkins has refused to introduce and push private pension and other bills in which Dr. Leeds was interested as agent and expected fees.

London Banker Dead.

LONDON, April 26.—Reginald Smith, head of the well-known house of Smith, Payne & Smith, the bankers, died at Windsor today.